

[Doc. No. 29]

**THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
CAMDEN VICINAGE**

ERIC POTTER,

Plaintiff,

v.

KAREN BALICKI, et. al.,

Defendants.

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Civil No. 05-3971 (RMB)

ORDER

This matter is before the Court on the Motion to Depose a State Inmate [Doc. No. 29] filed by Keith S. Massey, Jr., Esquire, on behalf of the New Jersey Office of the Attorney General, counsel for Defendant, Karen Balicki; and Defendant seeking to depose Plaintiff, Eric Potter; and Defendant arguing that Plaintiff is currently incarcerated in Northern State Prison; and Defendant further arguing that Plaintiff's deposition testimony is necessary to Defendant's defense of this matter; and Plaintiff not filing opposition to Defendant's Motion; and

The Court finding that pursuant to Fed. R. Civ. P. 30(a)(2)(B), a party must obtain leave of court to depose any person confined to prison at the time of the deposition; and the Court further finding that Plaintiff's deposition is relevant to this case and Defendant is entitled to his deposition to prepare her defense of this case; and for good cause shown

IT IS on this 12th day of August 2008 hereby

ORDERED that Defendant's Motion to Depose a State Inmate is GRANTED; and it is further

ORDERED that the deposition of Plaintiff, Eric Potter, shall take place at a date and time

convenient to the parties and the Superintendent of Northern State Prison, and at a location designated by the Superintendent; and it is further

ORDERED that Plaintiff shall be notified of the date and time of the scheduled deposition as soon as is reasonably possible.

/s/ Joel Schneider

JOEL SCHNEIDER

United States Magistrate Judge